

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

INDEPENDENT AMERICAN PARTY
OF NEVADA, et al.,

2:10-CV-1477 JCM (GWF)

Plaintiffs,

V.

BARACK H. OBAMA, et al.,

Defendants.

ORDER

Presently before the court is the matter of *Independent American Party of Nevada et al v. Obama et al.* (Case No. 2:10-cv-01477-JCM -GWF).

Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice.”

Plaintiffs People v. US, the Independent American Party of Nevada, Nevada Eagle Forum, Tony Dane, Joshua Hansen, Janine Hawkins, Gale Carlton, Tracie Pistocco, Ivy Hippler, Christopher Hansen, Michael Hawkins, and Lyn Randal filed their complaint (doc. #1) on August 31, 2010, against several defendants.

Pursuant to Federal Rule of Civil Procedure 4(m), on January 26, 2011, the clerk of the court provided notice to the plaintiffs that the action would be dismissed if they did not file proof of service of process by February 25, 2011. (Doc. # 5). Local Rule 5-1(a) states, with regards to proof of service, that “the proof shall show the day and manner of service and the name of the person

1 served," and that "proof of service may be by written acknowledgment of service or certificate of
2 the person who made service."

3 To date, the court has not received proof of service for any of the defendants.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above captioned case
6 be, and the same hereby is, DISMISSED without prejudice.

7 DATED March 7, 2011.

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9 *James C. Mahan*
10 **UNITED STATES DISTRICT JUDGE**
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